G. R. S. IX-5]

Previous references.

Reserve

File No. 107-20

1920-21

Serial Nos 1-6.

(Geol)

Later references.

Geol 55-22-5
Geol 95-22 (1-2).
Geol 55-22 (20, 26, 31, 37, 39, 40, 42, 44, 46, 50)

38

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6.

Part B for March 22

SUBJECT.

Claim of col W W Coen for manganese ore collected near Chikjajur Railway Station.

4715 & 4-3-22

To the Director of Geology

Points that the ——— cannot be recognised after eight years after the cancellation of his licence & that Messrs Oakley Trading Co be called upon to pay Rs 57/- per measurement by them

WD 1888—GPB—16,926—23-7-21

1184 42--

F. R. S. 11] 1920-21

GENERAL AND REVENUE SECRETARIAT.

(Geol)

NOTES.

File No. 107-20

FILE HEADING.

Claim of Col W.W. Coen of Hubli for manganese ore won from prospecting blocks nos 375 & 376 in Holalkere Taluk & royalty due in respect thereof.

From

The Director, Dept of Geology

No. 1941.	Dated 7-6-21	Received 8-6-21
Diary No. 11842	Enclos. 16 file Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits for orders of govt the papers relating to the claim put forward by Col W.W. Coen of Hubli for manganese ore carted by him from the Sudarmakalli block in the Holalkere Taluk & collected near Chitradurga Road and royalty due to govt in respect thereof.

NOTES AND ORDERS.

D

As regards the terms of the licence granted to the petitioner, attention is invited to pages 72 & 74 of the file sent by the director. Submitted for perusal. The further reports promised by the Director will, if approved be awaited.

Adl.
13-6-21.

1st Member

14/6/21

NOTES—First Sheet.

6883-30
15-6-21.

G. R. S. III-2]

General and Revenue Secretariat.	Geol File No. 107. of 1920.

Serial No.	
	2224 (2)
	The matter is somewhat complicated & the position not quite clear. The further report promised will have to be awaited. The Director may be asked to submit their submission Reed 12.6.21 by 17/6
	3 Submitted with a draft. AKS. 19-6-21
	Issue. 19/6/21
2	To the Director Dept of Geol. G. 24793 dt 21.6.1921. Requests that the submission of the report may kindly expedited
3.	From the same office No 598 dt 26-10-21 Suggests for reasons given that the claim of Col Coen for the ore in question maybe admitted subject to the payment of the royalty at the rate of 12 as per ton & in case he fails to pay the royalty, Messrs Oakley Bowden & co maybe asked to pay Rs 5/- per ton of ore raised by them
5	Submitted with reference to paragraph 2 above. AKS. 2-11-21.

CHIEF SECRETARIAT
Dept.
21 JUN 1921

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Geol File No. 107 of 1920-21

Serial No.	
6	There is a pieces of correspondence in the file with a note by Dr Rueckl. Since 1914. no correspondence on the subject seem to have taken place. There is no provision in the prospecting rules for the forfeiture of the ore removed from the blocks for non payment of arrears due. Orders are solicited as the proposals of the Director Ass 12-11-21. Submitted with a draft as desired. Ass 23-11-21. 8 June 24/11
4	To The Director, Dept of Geology No 3192 & 1-12-21 Requests him to state whether the deposit amount of Rs 300/- held in respect of two licenses was returned to the licensee or credited to Govt & why the amount due on account of royalty was not adjusted out of the deposit money.
5	From the Mines officer No 1056 & nil States that the deposit amount has not been refunded pending the settlement of the question of filling up deep excavations made during while carrying on prospecting operations.

Rec'd 14/11/21

IV. 15

NOTE—Contn. sheet.

Immediate
20.12.39

(4)

WD 2271—GPB—1,000—10-5-20

REPLY.

(To be written on this margin.)

Office of the Dewan of Mysore.

NOTE.

Dated.....31st..December..*192*.1.

9 The Dewan will be glad to know at once the stage at which the file relating to the claim of Col. Coen to the Manganese stacked by Messrs Oakley, Bowden & Co., stands at present.

10 The papers may be kindly sent also, in case they are not under submission.

By order,

Assistant Secretary on duty with the Dewan.

The General Secretary,
with compliments.

AS
Ltc

11 For immediate attention

30/12/39 12 Arrange

31.12.39

3017
2226
428

G. R. S. III-21

General and Revenue Secretariat. | Geol File No. 107 of 1920.

Serial No.

13 The Director proposals are:-

(1) The claim of the Coorg to the 600 tons of ore in question maybe admitted, if he pays royalty at the rate of 12 annas per ton i.e. Rs 450/-

(2) If he fails to pay the royalty, the ore maybe regarded as having been forfeited to Govt and the Oakley Bowden & Co maybe asked to pay Rs 5/- per ton ~~of ore~~ on the 16 waggon loads of ore removed by them; and

(3) out of the amount of Rs 300/- held as deposit in respect of the licenses, any amount due from the licensee on account of filling up pits etc may be adjusted.

14 Orders are solicited on the above proposals. If the Govt has decided not to ~~[illegible]~~ the recommendations of the Karnatak & forfeit the deposit, under Rule 1-22 ~~[illegible]~~ the Govt may ~~[illegible]~~ Rs.

Vide (2) page 4 ante. 5.1.22

(Sen Secy.)

15 Assistant Secretary will please note on the procedure followed in the matter of royalty in such cases. Under what provision of Law did the DC "attach" the ore on the mines? Why should we mix ourselves with the differences between the Govt & Messrs Oakley Bowden & Co except to see that the Govt of receiving the royalty due to us

Report

5/1/22 5.1.22

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat.

Geol File No. 107 of 1920.

Serial No.

15 Royalty is payable on all ore removed from blocks. The licensee will be asked to pay the royalty, if he does not pay the same within the time allowed. If he fails to pay, licenses will be cancelled and the amounts due will be adjusted out of the deposit held in respect of licenses. As stated by the Director there is no provision in the rules in force for levying or forfeiting the ore removed from prospecting blocks on account of non-payment of royalty (though such provision exists in the case of mining leases).

Ans. 6-1-21

17 No regular inspection as in the case of a mining lease is contemplated under the rules for prospecting licenses, nor has any special procedure been laid down in the rules or the conditions of the license for the recovery of royalty from defaulters.

18 Vide the Dy. Director of Geology & Mining's letter dated 10th Dec 1918 to the Dy. Chief Secretary.

N

NOTE—Contn. sheet.

Serial No.

has stated that the prospecting licence [illegible] has been cancelled, and that 600 tons of ore removed by the holder of the cancelled licence No 575 should not be allowed to be removed and the Royalty due on the Quantity had not been paid.

It is best that it can only be considered as a precautionary measure against the removal of ore under cover of a cancelled licence.

So whether the ore was royalty [illegible] or not is not clear

It is best an absolute [illegible] application

[illegible] 1916 for this ore has been

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Govt File No. 107 of 1920.

Serial No.	
W	Mr Nicholson Mudaliar, the Political Agent recommended its grant to the Gentleman at Rs a ton. But this this matter was appd. by the then Dewan.
	22 These facts indicate that there has been a lease since the year 1916, at least and it is a point for orders. Whether Govt claim can now be entertained
	23 Opn of Comsr not expedient for Govt. to enter into the claims of private parties.
	24 In case the ore should be leased as Govt property, the Govt of the Accountant Genl Messrs Cable & Lawder will

NOTE—Contn. sheet.

3017

G. R. S. III-2

General and Revenue Secretariat.

Geol File No. 107 of 1920.

Serial No.

Mr Cohen

Please put up a draft stating that Mr Cohen may be informed that Govt have a lien on the entire ore mined by him on account of the royalty due by Govt and that the lien will be discharged only if the arrears are fully paid up. Messrs Oakley Bowden Company may also be informed that the ore in question could not be removed until the royalty due to Govt is paid up. Govt are not concerned with the respective claims of the two parties as between themselves to the ore in question

2. The question of the proper procedure for the recovery of royalty in such cases should be initiated in a separate file No Special procedure is prescribed — which is a Serious omission.

7/1/22

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Geol File No. 107 of 19 20.

Serial No.

26 Submitted with a draft.

27 Orders are solicited on the following points:—

(1) In case the entire quantity of ore stacked at the Chikkajajur Railway Station is decided to be Govt property and that Col Coen cannot have any claim for the same, then Messrs Oakley Bowden Co may be asked to pay the cost of 16 waggon loads of ore removed by them.

(2) In case Col Coen's claim for the ore is then he on
recognised ~~on that~~ payment of arrears due from ~~him~~ to Govt, ~~then Col Coen~~ may take such action as he thinks necessary against Messrs Oakley Bowden & Co in respect of the ore removed by that company.

28 A draft letter is herewith. Oakley Bowden may also be informed that they

AMS. 7-1-22 hl

29 Mr Coen may be informed that if he does not pay up the arrears of royalty within a given time, Govt would be at liberty to dispose of the ore & credit the proceeds towards the arrears of royalty. If he consents to pay the balance, then he can take any action he thinks necessary to recover the cost of ore that has been actually removed by Messrs Oakley Bowden & Co.

As will kindly discuss with me

9/1/22

Ben Secy 9/1/22

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat. | Genl File No. 15 of 19 22

Serial No.

31 Put up a Draft to the Dr stating that Mr Coen may be informed that Govt possess a lien over the Manganese ore stacked at the Chirkhagan Ry Station, which can only be discharged after the payment of the royalty due thereon. The Director may also be instructed to take steps to recover the Royalty due

[illegible]

DAS 11/1/22

32 Draft already put up in the file is submitted for approval or other orders. Kind attention is invited to paragraphs 9 & 11 above.

AAS 12-1-22

ML

33 The file may be submitted to the Diwan before issue of the letter to the Director

Ben Lang 13/1/22 DAS

34 Draft may be appd

13/1/22 DAS

3754-208 13.1.22

2nd Member of Diwan) The draft to the Director will do so far as Col. Coen is concerned. But what about the royalty due from the S C Chik. Dist? This is

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Gen'l File No. 157 of 1930

Serial No.

Ref. the first instance in which disposal of mahi has been delayed for want of information called for from the D. Cs of districts. I think some notice has to be taken of this

Reed
6-1-22.

36
Action will be taken separately
Sd 16/1

37
Dewan

DEWAN'S OFFICE.
Recd. on JAN 17 1922
Reg. No. 3837

16/1/22

NOTE—Contn. sheet.

Claim of Col. Coen

(13)

G. R. S. 12]
General and Revenue Secretariat.

Geol File No. 107 of 1920.

Serial No.

3837

38 It is proposed in the draft put up that Mr. Coen should be informed by the Director of Mines & Geology that Government have a lien on the ore stacked by him at the Chickjajur Railway Station until the payment of royalty due on it. This is in accordance with the recommendations of the Director who considers that Mr. Coen's rights in the ore could not be regarded as totally extinguished notwithstanding the fact that his prospecting license was cancelled over 8 years ago, as the form of Prospecting License provides for no method of seizure of the minerals for recovering the royalty due.

39 A careful perusal of the Prospecting License (No. 375) granted to Mr. Coen shows that he has no right to the ore at all. Unlike a Mining lease, a prospecting license confers only a right on the licensee to prospect for minerals described in it for a prescribed ~~in it for a prescribed~~ period and permits him to carry away the minerals mined subject to the payment of royalty due on it (Vide clause 1). The license is primarily a license to prospect for a period of one year and the right to take away the minerals extracted during prospecting operations is recognised in addition, provided the royalty is paid beforehand. Before a licensee can take away any mineral extracted under cover of a prospecting license, it is obvious that the license should be subsisting and that the royalty due on it should be paid in advance. The whole tenor of the correspondence in the file makes it quite clear that both the Department and Mr. Coen fully understood that these essential conditions

NOTE—Contn. sheet.

GPB—50,000—12-8-10

WD 1233—GPB—60,000—1-12-16—S.

(14)

G. R. S. III-2

General and Revenue Secretariat.

Geol File No. 107 of 1910.

Serial No.

conditions should be fulfilled before the minerals extracted under cover of a prospecting license can be removed. In fact, the last renewal of the old licenses, Nos. 103 & 104, in November 1912 was expressly made with a view to permit Col Coen to remove the ore already extracted by him as he had ceased to carry on prospecting long before. When a prospecting license is revoked or cancelled, all rights conferred by it cease to exist (vide clause 14) and the original licensee has no manner of right to remove the ore which thereafter becomes the property of Government.

4D The argument that, as the prospecting lincense contains no provision for the seizure and forfeiture of the ore, the licensee should be regarded as having a permanent right of property in it subject to his paying the royalty due ~~on it~~ is hardly sustainable. The license advisedly contains no provision for seizure as according to its express terms no property in the ore passes to the licensee except on payment of the royalty. There is no need to seize or forfeit what already belongs to Government. The provision for seizure is necessitated in a mining lease owing to the entirely different rights conveyed under it. The lessee in this case is expressly empowered to sell or dispose of the minerals and there is no condition imposed on him to pay the royalty before doing

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

doing so (vide Clause 4 of the Mining lease). The royalty under a mining lease is to be paid at the periods set forth in the covenant and when this is not done, the Director is empowered to seize the minerals etc., on the mining block on expiry of 60 days after the arrear has fallen due (vide clauses 8 & 47).

41 The claim of Mr. Coen for the ore stacked on the blocks was long ago negatived (vide Dewan's letter dated 7th March 1914) and there is no justification for recognising his right to the ore lying near the Railway Station. This ore was removed in 1909 without the permission of the Director and the first information of the fact conveyed to the Director was in Mr. Coen's letter dated 15th November 1912. As the Director pressed for payment of royalty on it, Mr. Coen replied in his letter dated 21st December 1912 that he expected to sell the ore in a month or two and would pay the royalty at the time of despatch. After the licenses were cancelled the Director required immediate payment of the royalty on the ore at the Station in his letter dated 15th December 1913 to which Mr. Coen has not replied up to date. It is obvious that an unauthorised removal from the block before payment of royalty could not determine the rights of Government in it and the permission granted, as a matter of grace, by the Director to Mr. Coen to pay the royalty could

NOTE—Contn. sheet.

Serial No.

could not be construed to last for ever.

4 Although the ore itself may not be of much value, it is necessary that the rights under a prospecting license should be clearly defined and Mr. Coen should be informed that Government cannot recognise his claim to it 8 years after the cancellation of his license.

43 It would appear that a sum of Rs. 300/- deposited by Mr. Coen under his two licenses has not yet been paid to him. The file contains a letter from Mr. Manickavelu Mudaliar acknowldedging his liability for filling up pits and excavations in Mr. Coen's original blocks (Vide letter dated 20th May 1914). If this is correct, the deposit money should be returned immediately to Mr. Coen

44 Messrs. Oakley, Bowden & Co. should be called upon to pay at Rs. 5/- per ton as recommended by the Director for the ore unauthorisedly removed by them. If the Member agrees with me, orders may be issued as indicated above.

Lees.

28-1-22

45 2nd Member)

4007-262
31.1.22.

46 Draft order may be sent up as above
My reason for accepting the Director's

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Geol File No. 107 of 1920.

Serial No.

Recommendation in Col Cotes' case was based more upon Equity than a strict interpretation of the law on the point. I have had the least objection to the terms of the prospecting licences being strictly enforced in this case.

Rec'd
1. 2. 22.

47 Rough draft

48 Submitted with a draft. Kind attention is invited to paragraphs 35 and 36 above.
A.D.S.
3-2-22

49 For approval

50 D/f may be appd.

So far as this Case is concerned there is no difficulty if regard is had to the previous Correspondence on the Subject but as regards the general question of mining of royalty under prospecting licences I would respectfully beg leave to submit that ~~Clause 2~~ the wording

NOTE—Contn. sheet.

3017

17.

G. R. S. III-2

General and Revenue Secretariat. | Govt File No. 107 of 1920.

Serial No.

A

Clause 2 does not make it quite clear that a licensee could not remove the mineral won by him before payment of royalty. The words "subject to the payment of royalty" attaches doubtless a liability on the licensee but it is somewhat doubtful if it confers a lien on Govt so as to prevent removal ~~of~~ by the licensee. As the point is of some importance for the future guidance the Govt Advocate will be consulted if time be worthy.

7/2

4390-56. 18.2.22.

2nd member) A. approved

Rees 20.2.22

No. 110 of 21.2.22 By 21-2-22

Forwarded with Compliments to the Govt Advocate for favour of opinion. The file may kindly be treated as an urgent one.

Skinner 20/2

20/2

NOTE—Contn. sheet.

34977

G. R. S. III-2)

General and Revenue Secretariat. | Genl File No. 107 of 1920.

Serial No.

o for 100/11-V
& 23.2.21

Para one of the the Prospecting License authorizes the Licensee to "work, win & and carry away" any or all the minerals covered by the licence "subject to the payment of the royalties" etc-

The Expression "subject to the payment of royalties" is very wide and it admits of the payment of royalty being considered as a condition precedent to the Exercise of any of the rights referred to in the earlier part of the paragraph. The clause enables Government, therefore, to insist on payment of royalty being made before the removal of the ore from the block, as Government is the owner of the ore taken out of the block till the amount that it is entitled to get under the license is paid

I do not know if this strictly legal view of the terms of the license did observed in

NOTE—Contn. sheet.

2017

G. R. S. III-2

General and Revenue Secretariat.

Govt File No. 107 of 1920.

19

Serial No.

in practice and perhaps parties are permitted to remove the ore at least in cases where the authorities concerned do not anticipate any difficulty in the recovery of the royalty.

I should think Government will certainly have a lien in respect of unpaid royalty on the ore even after it is removed from the block, though a purchaser of such ore, without notice of the fact of non payment, cannot probably be held liable to pay such royalty, where the purchase is made after the removal of the ore from the block

Thanks

Yours sincerely

25/2/24

For perusal - May draft issue

MR 25/2/20

GL Secy

Draft may now issue

2nd Member

P.T.O

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat.

Geol File No. 107 of 19 20.

45-92-16
1.3.22

Serial No.

Dor is approved
Rees
2.3.22.

Issue
Sty/3

6 To The Director, Deptt of Geology
4715 & 4-3-22.
directs that Col Coen be informed that
Govt can not recognise his claim to arrear 8 years after
the cancellation of his licence & that Messrs Oakley
Bowden & Co should be called upon to pay Rs5/- per
ton for ore unauthorisedly removed by them.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Geol File No. of 19

Serial No.

REV. SECRETARIAT
04167
10 MAR 1922
STRIES & COMMERCE.
BRANCH.

Extract from Geol File no 107-20 relating to the claim put forward by Col W. W. Coen of Hubli for manganese ore removed from prospecting blocks nos 375 and 376 in Holalkere Taluk and royalty due in respect thereof.

x x x x x x

The question of the proper procedure for the recovery of royalty in such cases should be initiated in a separate file No special procedure is prescribed - which is a serious omission

(Sd) S. H.
7-1-22.

x x x x x x

The time and the rate at which royalty in mineral should be paid are given in Schedule A. of the rules.

Submitted for orders.
Alg.
3-2-22

Perhaps what the Secy wants to know is whether the material can be removed before payment of royalty. In clause (2) of (6), Schedule A, the words "on all ore despatched during any quarter" occur which indicate that the lessee has permission to remove the ore subject to the condition that

NOTE—Contn. sheet.

the

G. R. S. III-2)

General and Revenue Secretariat. | File No. of 19

Serial No.

the malfs is paid within 90 days of the close of the quarter.

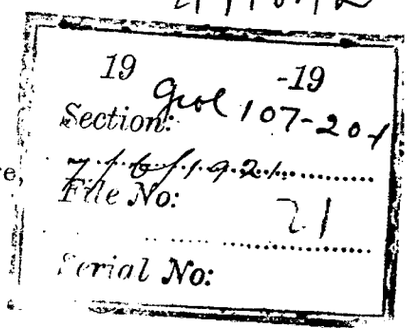
No further action appears necessary & the paper will if approved be filed

11/3/12

GL Srivastava

11/3/12

21 | 1842



M. G. D. 12.

No. 1941 Dated, Bangalore, 7.6.1921.

Encs: 2 letters & a file of papers

From

B. JAYA RAM, ESQUIRE, F.G.S.,
Director, Mysore Geological Department.

To

K. Matthan, Esq., B.A.,
Offg. Chief Secretary to the Government
Of His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

I have the honour to forward herewith, for the information and orders of Government, a copy of letter, dated 1st March 1921 from Col. W.W. Coen of Hubli (addressed to Dr. W.F. Smeeth) complaining that Messrs. Oakley Bowden & Company, have removed from the Chickjajur Railway Station 16 waggon loads of Manganese Ore carted by him from the Sadarhalli Block in the Holalkere Taluq and urging his claims thereto.

2. Col. Coen obtained, as far back as 1st February 1907 two prospecting licenses No.103 and 104 over the Sadarhalli and Hanumankatte Blocks of 1 and 2½ square miles respectively in the Holalkere Taluq, both of which were renewed from time time up to 31st January 1911. On the 2nd November 1912 fresh licenses, Nos. 375 and 376, were granted to him in lieu of the old ones Nos.103 and 104 and they terminated on the 1st November 1913, when they were:-

(1) about 1600 tons of manganese ore lying on the Sadarhalli Block- Prospecting License No.103/375, and

(2) about 1680 tons of manganese ore lying on the Hanumankatte Block - Prospecting License No.104/376,

in addition to about 600 tons carted from the Sadarhalli

Block

Block to the Chickjajur Railway Station in May 1909.

3. A notice of the termination of the licenses was duly issued to Col. Coen on the 18th November 1913 and thereupon he applied for an extension of time for the ~~renewal~~ removal of the ore on the blocks in question. This was refused in view of the fact that the fresh licenses Nos. 375 and 376 were granted to him more with a view to give him time and opportunity to remove the ore collected under the two licenses. He then appealed to the Dewan, who also refused to interfere in matter and to allow him to retain a lien on the ore lying unremoved in the Blocks.

4. With regard to the ore carted to the Chickjajur Railway Station in May 1909, Col. Coen was called upon in the marginally noted communications from this office to pay up the royalty due in respect of the same, and in the Geological Secretary's letter No.1274, dated 10th December 1913, the Deputy Commissioner, Chitaldrug District, was asked to prohibit the removal of the ore from the Chickjajur Railway Station without the sanction of Government. Col. Coen has not up to date paid the royalty so repeatedly demanded from him and he now complains that about 16 waggon loads of the ore have lately been removed by Messrs. Oakley Bowden & Co., of Madras. A copy of my letter No.1558, dated 28th March 1921 sent in reply to him is submitted herewith for kind perusal.

No 1570 dated 10th Jany. 1913.
2237 " 11th March "
764 " 28th Sept "
1273 " 10th Dec "

5. The main point now at issue is whether Col. Coen has now a lien on the 600 tons of manganese ore carted from the Sadarhalli Block to the Chickjajur Railway Station in May 1909 and on which he has not as yet paid the royalty due in spite of repeated demands.

6. The ore in question being one which has been removed by the licensee from the block during the term of the license, it seems to me that he has the right to it notwithstanding that the license was cancelled several years ago. There is

also

also no provision in the licenses for seizure or forfeiture of ore removed from blocks on account of nonpayment of royalty due in respect of the same. Strictly speaking the ore appears to belong to Col. Coen and our claim can only be for the royalty due on it. The question is, however, a somewhat intricate one and I beg, therefore, to solicit the orders of Government on the same.

7. I addressed Messrs. Oakley, Bowden & Company, to ascertain on what authority they removed the ore from the Railway Station, and they have replied that they hold a letter of authority from Mr. T. Chinnaswamy Iyer for the removal of about 1000 tons of manganese ore lying near Chickjajur Railway Station. I am now making enquiries as to how the letter of authority was issued by Mr. T. Chinnaswamy Iyer and shall submit a further report in the matter later on. At any rate, Col. Coen may, if his right to the ore is admitted by Government, seek necessary redress direct from Messrs. Oakley, Bowden & Company.

8. I have also addressed the Deputy Commissioner, Chitaldrug District, to let me know why the removal of the ore reported by Col. Coen was not prohibited as required in the Geological Secretary's letter No.1274, dated 10th December 1913, mentioned above and will communicate his reply to Government in due course.

9. The file of papers on the subject is forwarded herewith for reference if need be, and kind return.

I have the honour to be,

Sir,

Your most obedient servant,

B. Jayaraman

Director,

Mysore Geological Department.

NVN/

Letter, dated 1st March 1921, from Col. Coen, Proprietor, Messrs. W. Whelan & Co., Hubli, to Dr. W. F. Smeeth, Bangalore.

Messrs. Oakley, Bowden & Company have removed 16 waggon loads of my manganese ore from the Chickjajur Railway Station where it has been lying for over 10 years. The above named Firm states that they have information from your Department that the Ore does not belong to me. This ore was carted to the Chickjajur Railway Station during the time that my mining leases were in force from the Sadurhalli Block for which I held a mining lease and the ore was carted to the Station long before my mining leases were cancelled (my license No.103)

There is no claim on me, whatsoever except for royalty when the ore is despatched from the Railway Station and I must ask you if there is any truth in the statement of Messrs. Oakley Bowden & Company that you have informed them that the Manganese Ore stacked at Chickjajur Station does not belong to me.
I maintain that it does belong to me absolutely, but I shall be obliged if you will inform me as soon as possible if it is true that you have given any such assurences to Messrs. Oakley, Bowden & Company as they say you have.

"Copy"

For Director,

Mysore Geological Department.

25

Letter, No.1558, dated 28th/29th March 1921, from the Director, Mysore Geological Department, to Col. W.W. Coen (Retd.), Proprietor, Messrs. W. Whelan & Co., Hubli.

With reference to your letter, dated 1st March 1921, (addressed to Dr. W.F. Smeeth, who has forwarded it to me for disposal), complaining that Messrs. Oakley, Bowden & Company, have removed from the Chickjajur Railway Station 16 waggon loads of manganese carted by you about 10 years ago and urging your claims thereto, I have the honour to invite your attention to letter No.1273, dated 10th December 1913, from the then Secretary to Government, Geological Department.

2. It is observed that no royalty has been paid by you in respect of the ore stated to have been removed by you to the Chickjajur Railway Station, and it is doubtful whether at this distance of time you have any claim to the said ore. The matter is, however, being submitted to Government for orders and as soon as they are received the same will be communicated to you.

"Copy"

For Director,

Mysore Geological Department

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to——————

General and Revenue Secretariat

( )

, the *191* .

Date of issue 24/6

Signed by

Section Geol

File No. 107-20.

Serial No. 9

No. G 4793

To

The Director, Dept of Geology

Sir,

With reference to your letter no 1941 dt 7-6-21 regarding the claim put forward by Col. W. W. Coen of Hubli for manganese ore carted by him from the Sadarnahalli block & collected near Chickjajur Railway Station, I am directed to request that the ~~further~~ instruction of the report promised ~~by you in the matter~~ may kindly be expedited.

I have etc

19/6/21.

for chief Secy to Govt.

over.

M. G. D. 12. 13284

Dgo 2224 27

No. 598 Dated, Bangalore, 26/10/1921.

Encs: 2 letters &

file No. 8 of 13-14. Geol 107-20-3.

From

B. JAYA RAM, ESQUIRE, F.G.S.,
Director, Mysore Geological Department.

To B. Ramaswamaiya, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General Department.

In continuation of paras 7 & 8 of my letter No.1941, dated 7th June 1921, and with reference to the Chief Secretary's letter No.G.24793/Geol.107-20-2, dated 21st idem, regarding the claim preferred by Col. W. W. Coen of Hubli for manganese ore extracted from the Sadarhalli block and stacked by him at the Chickjajur Railway Station, I have the honour to forward herewith for the information of Government, a copy each of (1) letter, dated 27th September 1921, from Mr.V. N. Krishna Iyer and (2) letter, dated 13th October 1921, from Messrs. Oakley, Bowden and Company, Madras.

2. Mr. Krishna Iyer states that the letter of authority granted by Mr. Chinnaswamy Iyer to Messrs. Oakley, Bowden and Company, was only for the removal of the manganese ore stacked on the prospecting block near the village of Chickjajur and that it had no reference whatever to any ore lying near Chickjajur Railway Station.

3. Messrs. Oakley, Bowden & Co., now state that the whole matter was erroneously handled by their Agent, Mr. Peacock, who was responsible for the transaction and that he did not know to whom the ore belonged. They also say that they are prepared to pay the same compensation to Col. Coen

as they had offered to Mr. Chinnaswamy Iyer. Messrs. Oakley, Bowden & Company's conduct in having removed the ore in question, without proper authority is highly objectionable and their explanation is also unsatisfactory.

4. Since my letter No.1941, dated 17th June 1921, was submitted to Government, it has been brought to my notice that as far back as July 1914 the entire quantity of 600 tons of ore at the Chickjajur Railway Station had been offered to be permitted to be purchased by Mr. V. Manickavelu Mudaliar at the rate of Rs.2/- per ton of the quantity actually railed, but subject to a minimum payment of Rs.900/- to be paid in advance. But Mr. Manickavelu Mudaliar never availed himself of the offer and the matter was allowed to drop (Vide file No.8 of 1913-14, paper A).

5. Although the ore in question was under attachment as per Geological Secretary's letter No.1273, dated 10th December 1913, to Col. Coen and although he did not pay the royalty demanded in respect of the same, I am of opinion, that Col. Coen's claim for the ore cannot be considered as having been absolutely extinguished. No formal order of forfeiture has been passed by Government or communicated to Col. Coon and as a matter of fact no provision exists, as already stated in para 6 of my letter No.1941, dated 7th June 1921, for the ore removed from prospecting blocks being seized ~~for~~ and forfeited for nonpayment of arrears due to Government, although such a provision exists in the case of mining leases. The desirability of making such a provision in prospecting licenses in future will be considered separately and a future communication submitted to Government in the matter in due course.

6. Under the above circumstances, it seems to me that Col. Coon has a right to the ore in question subject to the payment of royalty due thereon and that Messrs. Oakley, Bowden & Co., are liable to indemnify him for any losses he may have sustained by their conduct. I would suggest, therefore, that Col. Coen may be informed that his right to the ore in question placed under attachment as far back as 1913 will be admitted by Government if he will pay the

royalty due at the current rate at 12 annas per ton on the 600 tons removed according to his reports to Government, but that if he fails to pay the royalty the ore will be regarded as having been forfeited to Government. After the admission of Col. Coen's right by Government, he may take such action as he may deem fit against Messrs. Oakley, Bowden & Co., in respect of the ore removed by them, but in the event of the ore being forfeited to Government on account of the non-payment of the royalty due by Col. Coen, Messrs. Oakley, Bowden & Co., will then be answerable to Government for the ore removed by them and I would propose that a fine may be levied from them at Rs.5/- per ton on the actual quantity railed by them. The rate of Rs.5/- proposed by me represents the priced quoted by them in their recent quarterly reports in respect of low grade manganese ore.

I have the honour to be,
Sir,
Your most obedient servant,

B. Fayan Rao

Director,
Mysore Geological Department.

C.N.

Letter, dated 27th September 1921, from Mr.V.N.Krishna Iyer, Proprietor, The Mysore-Hassan Minerals Mining Co., Mysore, to the Director, Mysore Geological Department.

In reply to your letter No.219, dated 9th August 1921, which I regret I could not reply earlier owing to my prolonged illness for some time past, I have the honour to state that the Letter of Authority granted by Mr. Chinnaswamy Iyer to Messrs. Oakley,Bowden & Co.,was only for the removal of the manganese ore stacked on the prospecting block near the village of Chickjajur.. It had no reference whatever to any ore lying near the Chickjajur Railway Station. There is no such ore belonging to us and I am quite at a loss to understand how Messrs. Oakley,Bowden & Company took it to apply to manganese lying near the said Station.

Copy.

B Fayaz Ahmed

Director
Mysore Geological Department.

Letter, dated 13th October 1921, from Messrs. Oakley, Bowden and Company, Madras, to the Director, Mysore Geological Department.

We are in receipt of your letter of the 8th of August and was under the impression that we had sent you the original letter, or at least a true copy of same. We enclose the explanation of our Agent Mr. Peacock who was responsible for the transaction. It would seem that the handling of the whole matter by him is in error and he did not know to whom the ore belonged. As we have explained to Mr. Coen we are prepared to compensate him on the same scale as we proposed to compensate Mr. Chinnasawmy Iyer when we are assured that the ore in question rightly belongs to him, and the railway Company or the Government have no claim thereon. Alternatively the ore is lying in Madras and we are prepared to deliver it over to him on payment of rail charges and Harbour dues or to effect any reasonable settlement the circumstances of the case warrants or justifies.

Copy.

B Fayer Jaun

Director,
Mysore Geological Department.

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *191* .

Date of issue 6/12/21

Signed by [illegible]

A form a perusal of the record is seen

Section Geol

File No. 107-20.

Serial No 4

No. 3192/Encls 3 file,

To The Director, Dept of Geology

Sir,

With reference to correspondence ending with your letter no 598 A 26-10-21, I am directed to state that a sum of Rs 300/- was deposited by Col W. W. Coen of Hubli in respect of two prospecting licenses. According to the rules the deposit amount was returnable to the party subject to any deductions on account of nonfulfilment of any provision of rules & terms of licenses. I am to request you to be so good as to state

over.

P.T.O.

30/11

The Deposit
to Shelley ~~was~~ amount was returned to last
party or credited to Govt The files of papers
received with your letters are herewith
returned for reference & ~~return~~ return with
with your Secy.

Cees why the amount due
by him on account of
royalty was not
adjusted out of this
deposit money.

I have the
Mr 26.11.14
Acknowledge receipt
hl

List of enclosures.

Copied by

Examined by

M. G. D. 12. 2996 Geol 107-20-5

No. 1056 Dated, Bangalore,

Enc: one file D3017

From

B. JAYA RAM, ESQUIRE, F.G.S.,
Director, Mysore Geological Department.

GEN & REV ... 19 DEC 1921

To

S. Hiriannaiya, Esq., M.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

In reply to your letter No.I.C.3192/Geol.107-20-4, dated 1st December 1921, enquiring if the deposits amounting to Rs.300/- held in respect of Mr. W. W. Coen's prospecting licenses Nos.375 and 376 have been returned to the party, etc., I have the honour to state that the amount has not yet been refunded, pending (1) a settlement of the question of filling up or protecting, in compliance with Clause 5 of the licenses, certain excavations made on the blocks during the course of the prospecting work and (2) the adjustment of the royalty due by him on about 600 tons of manganese carted from the Saderhalli block to the Chickjajur Railway Station in May 1909.

2. The Deputy Commissioner reported in the first instance, that a number of pits existed on the blocks and that the probable cost of filling them up was estimated at Rs.3925/-. An inspection of the blocks made by one of the Assistants of the Department in August 1920 having revealed that the pits were all of shallow depth and that they were not dangerous, the Deputy Commissioner was asked in November 1920 to have the pits re-examined and report to this office if any further action was consid

necessary

necessary. This communication has not yet been replied to.

3. With regard to your enquiry as to why the amount due by Mr. Coen on account of royalty was not adjusted out of the deposit money, I have to state that this course has been deferred pending the settlement of the question of the claims, if any, against the licensee in respect of the filling up or protection of the excavations mentioned above.

4. The files of papers returned with your letter under reply are returned herewith as desired

I have the honour to be,

Sir,

Your most obedient servant,

For Director,

Mysore Geological Department.
(Absent from Head Quarters)

NVN/

G. R. S. VI—G/32] ab

SUBJECT.....

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*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, *the* 191

Date of issue 4. 3. 21

Signed by Sd. illegible

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Section Geol

File No. 107-2c

Serial No 6

No. 9C. 4715 Dt. 4/3/21

Lines Fds of this Office

To The Director, Dept of Geology

Sir,

With reference to correspondence ending with your endt no 1056, dated without date received Secretariat on 19-12-21, regarding the claim put forward by Col W. W. Coen for manganese ore collected near Chickjajur Railway Station, I am directed to state that the claim of Col Coen for the ore stacked on the blocks was long ago negatived and there is no justification for recognising his right to the ~~ore lying~~ ore lying near the Railway Station. The ore ~~near the Railway Station~~

over.

removed in 1909 and the first information of the fact conveyed to the Director was in Col Coen's letter of 15th November 1912. As the Director pressed for payment of royalty on it, Col Coen replied in his letter of 21-12-12 that he expected to sell the ore in a month or two and would pay the royalty at the time of despatch. After the licenses were cancelled the Director required immediate payment of the royalty on the ore at the Station in his letter of 10-12-13 to which Col Coen has not replied upto date. This observes that the removal of the ore from the block could not determine the rights of Govt in it and the permission granted, as a matter of grace, by the Director to Col Coen to pay the royalty could not be construed to last for ever.

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2 Although the ore itself may not be of much value, it is necessary that the rights under a prospecting license should be clearly defined and Col Coen should be informed that Govt can not recognise his claim to it 8 years after the cancellation

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

[This may be omitted as Mr Cox was moving to Govt.]

Rees
2.3.22

of his license.

Out of the sum of Rs 300/- deposit by ~~Cox~~ Cox any amount due from him on account of filling up excavations made on the blocks may be adjusted and the balance, if any, may be received or returned as the case may be.

3 Messrs Oakley Bowden & Co should be called upon to pay at Rs 5/- per ton as recommended by you for the ore unauthorisedly removed by them. The files of papers received with your letter are herewith returned.

Thereafter

Mbz
8.2.22

Asstt Conservator, Cuddapah.

Ack